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LVMPD and Bill Young

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CHRISSY ISRAEL MAZZEO,  
Plaintiff,

vs.

JAMES ARTHUR "JIM" GIBBONS;  
SIGMUND "SIG" ROGICH;  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT; BILL YOUNG;  
DONALD J. CAMPBELL;  
PENNIE MOSSETT-PUHEK;  
DOES 1-20,  
Defendants.

CASE NO.: 2:08cv1387-RLH-PAL

**OPPOSITION TO PLAINTIFF'S EMERGENCY MOTION RE: SPEAKING  
OBJECTIONS AT DEPOSITIONS**

This matter comes before the Court on Plaintiff's Motion to forbid defense counsel (Walter R. Cannon) from making improper objections at depositions and for sanctions. Even though discovery has now closed and an argument could be made that the Motion is now moot, defense counsel cannot allow Plaintiff's allegations of inappropriate conduct to go unanswered. Accordingly, this response is submitted.

...

1 At the outset, defense counsel, in retrospect, would concede that at least some of the  
2 subject objections were overly verbose. However, these objections were not made, as Plaintiff  
3 suggests, to coach the witness or for any other improper purpose. Rather, the objections were  
4 made out of frustration over the manner in which Plaintiff's counsel had conducted his  
5 depositions over the past fourteen (14) days. To be sure, frustration is never an excuse for not  
6 following the Rules of Civil Procedure and the Evidence Code. By the same token, rudeness,  
7 untimeliness, lack of preparation, inefficient use of time, improper objections and out and  
8 outright coaching of witnesses can, and often does, create a deposition atmosphere where lapses  
9 in judgment can and usually do occur. Again, frustration is never an excuse but, by the same  
10 token, the conduct in question certainly doesn't justify the imposition of sanctions.

11 Plaintiff's Motion makes much of defense counsel's so-called speaking objections.  
12 However, an examination of the record clearly shows that Mr. Kossack utilized the exact same  
13 objections during his client's deposition (for example, see the objections on pp. 190, 225, 228,  
14 406, 449, 513, 535, 539, 560 and 596 of Plaintiff's deposition attached hereto as Exhibit "A").  
15 Additionally, Mr. Kossack took speaking objections to another level when he actually coached  
16 his client during her examination on a photographic exhibit used to identify a critical police  
17 officer (see pp. 429-430 of Plaintiff's deposition attached hereto as Exhibit "B"). Moreover,  
18 during an overnight break in the Plaintiff's deposition, Mr. Kossack assisted his client in the  
19 written preparation of "pat" answers for deposition questions he expected to be asked the  
20 following day. Indeed, Plaintiff even brought these written notes to her deposition, intending to  
21 use them, as necessary (see pp. 472-473 of Plaintiff's deposition and the actual notes in question  
22 attached hereto as Exhibit "C").

23 The deposition process did not get any easier or less contentious when Plaintiff's counsel  
24 was taking, as opposed to defending, the deposition. Mr. Kossack treated the deposition as his  
25 own personal playground where he chewed ice as he examined witnesses<sup>1</sup>, forced a cancellation  
26 of a deposition because he forgot to pay his light bill, thereby inconveniencing the officer being  
27  
28

---

<sup>1</sup> See p. 8, Vol. I, of the deposition of Michael Hnatuick attached hereto as Exhibit "D".

deposed<sup>2</sup>, forced witnesses and opposing counsel to wait while he pulled and photocopied exhibits he wished to exam upon during the deposition, and by mixing pages of two separate exhibits together, resulting in an exhibit that was not only unuseable, but required correction before the deposition could proceed<sup>3</sup>.

However, the most frustrating part of the depositions taken by Plaintiff was the time that was wasted examining witnesses on undisputed facts. For example, during the course of discovery, Plaintiff took a number of depositions from the investigating police officers. During the course of their investigations, these officers had taken statements from Plaintiff, the suspect/Defendant and/or independent witnesses. During the depositions of these officers, Plaintiff spent countless hours examining the officers by having them simply acknowledge, on a paragraph by paragraph basis, that the questions asked and answered by the witness during the witness's interrogation were true and correct. In other words, Plaintiff's questions were designed to lay foundation for the testimony contained in the statements when such testimony was not in dispute. After all, neither Metro or any of the Defendants had questioned the authenticity of the statements or its transcriptions. Indeed, Plaintiff was supplied with audiotapes for most, if not all, of the statements. Additionally, Defendants produced each of these statements, either at the

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<sup>2</sup> The deposition of Michael Hnatuick was scheduled and commenced on May 6, 2010. Mr. Hnatuick was and is a Detective with the Las Vegas Metropolitan Police Department and during the time frame of his deposition, worked the midnight shift (10:00 P.M. through 8:00 A.M.) and, therefore, had been up all night the day preceding his deposition. Mr. Hnatuick's deposition was commenced at approximately 10:00 A.M. on May 6, 2010, and adjourned for a lunch break at 12:40 P.M. The deposition was scheduled to resume at 2:00 P.M.

When the parties returned at 2:00 P.M., they were advised by Plaintiff's attorney that the lights in his office were out and the power company had been contacted. According to counsel, the power company had dispatched personnel and the problem would be fixed by 2:30 P.M. to 2:45 P.M. When the parties returned at the designated time, they were informed that the problem had not been fixed and the deposition needed to be rescheduled. It was only later that day that the parties learned that the "problem" was Plaintiff's counsel's failure to pay his power bill. The net result of the so-called "problem" was that Detective Hnatuick was forced to return on May 11, 2010, for the completion of his deposition. Once again, Detective Hnatuick had worked a midnight shift the day before.

<sup>3</sup> See pp. 43, 49 and 52 of Deputy Chief Greg McCurdy's deposition attached hereto as Exhibit "E".

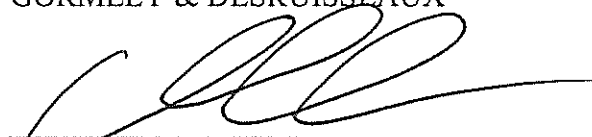
1 initial discovery conference or in response to discovery requests. As a consequence, the  
2 statements met all foundational requirements for submission in conjunction with a Motion for  
3 Summary Judgment or an Opposition thereto, which was the stated reason for the questions being  
4 propounded. See Orr v. Bank of America, 285 F.3d 764 (9<sup>th</sup> Cir. 2002); see also pp. 47-52 of the  
5 deposition of Michael Hnatuick, Volume I, and pp. 157-160 of the deposition of Michael  
6 Hnatuick, Volume II, attached hereto as Exhibit "F"; see also Affidavit of Walter R. Cannon  
7 attached hereto as Exhibit "G".

8 As Defendant noted at the outset, frustration is never a viable excuse for "improper  
9 objections". However, given all of the circumstances in this case, Defendant would respectfully  
10 submit that the actions of Plaintiff's counsel are certainly relevant and should be considered in  
11 regard to that portion of Plaintiff's Motion that requests sanctions be entered. As pointed out  
12 above, the conduct of the defense counsel during these depositions pales in comparison to that of  
13 Plaintiff's attorney and Defendant would therefore respectfully submit that Plaintiff's Motion for  
14 Sanctions should be denied.

15 RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of May, 2010.

16  
17 OLSON, CANNON  
GORMLEY & DESRUISSEAU

18  
19  
20 BY:

  
21 WALTER R. CANNON  
Nevada Bar No. 001505  
22 THOMAS D. DILLARD, JR., ESQ.  
Nevada Bar No. 006270  
23 9950 W. Cheyenne Avenue  
Las Vegas, Nevada 89129  
24 Attorneys for Defendants LVMPD  
and Bill Young  
25  
26  
27  
28

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the 27 day of May, 2010, I served the above


**OPPOSITION TO PLAINTIFF'S EMERGENCY MOTION RE: SPEAKING**

**OBJECTIONS AT DEPOSITIONS** through the CM/ECF system of the United States District Court for the District of Nevada (or, if necessary, by U.S. Mail, first class, postage pre-paid), upon the following:

Robert J. Kossack, Esq.  
KOSSACK LAW OFFICES  
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Attorneys for Defendant Gibbons

C. Stanley Hunteerton, Esq.  
HUNTERTON & ASSOCIATES  
333 S. Sixth Street  
Las Vegas, Nevada 89101  
Attorney for Defendant Rogich

  
An Employee of OLSON, CANNON  
GORMLEY & DESRUISSEAUX

**EXHIBIT ‘A’**

**EXHIBIT ‘A’**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
SOUTHERN DIVISION

CHRISSY ISRAEL MAZZEO,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Case No.
JAMES ARTHUR "JIM" GIBBONS;	)	
SIGMUND "SIG" ROGICH; LAS	)	2:08-CV-01387-
VEGAS METROPOLITAN POLICE	)	RLH-PAL
DEPARTMENT; BILL YOUNG; DONALD	)	
J. CAMPBELL; PENNIE	)	
MOSSETT-PUHEK; DOES 1-20,	)	
	)	
Defendants.	)	
_____	)	

VIDEOTAPED DEPOSITION OF  
CHRISSY ISRAEL MAZZEO  
VOLUME I, PAGES 1 - 366  
LAS VEGAS, NEVADA  
JANUARY 18, 2010

REPORTED BY: KIMBERLY A. FARKAS, RPR, CCR #741  
LS&T JOB NO. 1-116789

1 Q. Did you make any telephone calls to  
2 anyone else before placing this call after the  
3 incident in the parking garage that you attribute  
4 to Governor Gibbons or then Congressman Gibbons?

5 A. You say after I left there did I call  
6 anyone else? No. I called 911, I believe.

7 Q. Talking about before you made the call to  
8 911, did you call anyone else after the, what you  
9 claim was the assault?

10 A. The assault? I don't think so. I don't  
11 think so. I don't remember a hundred percent. I  
12 don't think so.

13 Q. Where were you at when you made this  
14 telephone call?

15 A. I think I was at La Quinta on the first  
16 one.

17 Q. You think that you were there?

18 A. I think I was there first, yes.

19 Q. Okay. Were you honest in your  
20 description of your complaint in describing it to  
21 the 911 operator?

22 MR. KOSSACK: Objection. Compound. And  
23 in addition, I think that we have to consider the  
24 mental state of the plaintiff at the time as would  
25 be indicated from listening to the phone call

1 it was either Karen Winkler or Rick Wright?

2 A. Yes, because it's not my handwriting.

3 Q. What phone number were you using at the  
4 time?

5 A. 366-4427?

6 Q. You're going to have to go a little bit  
7 slower for me, okay.

8 A. I'm sorry, 366-4426.

9 Q. 366 --

10 A. 4426.

11 Q. 4426. All right. Let me start at the  
12 top and see if I determine the accuracy of some of  
13 this. At the top it indicates that there was an  
14 incoming call on October 13th, 2006 from 808-8917.  
15 Do you see where I'm at?

16 A. Yes, I do.

17 Q. Do you recall that being Pennie Puhek's  
18 phone number?

19 A. Yes, I do.

20 Q. And then there was another call at 4:23  
21 p.m. on October 13th of '06 at that same number.  
22 Do you recall Pennie then, Ms. Puhek then, making a  
23 telephone call to you about that time?

24 A. Yes, I do.

25 Q. The next number down is a number

1 coming back. I don't remember. I mean, it was  
2 three years ago.

3 Q. You had a phone conversation then or at  
4 least placed a call to Eric Rockey at 8:57?

5 A. 8:57. I don't know.

6 MR. KOSSACK: I've got an objection. So  
7 far as who is placing the phone call, we have  
8 incoming and we have outgoing.

9 THE WITNESS: Oh, yeah, incoming. Eric  
10 was probably calling to talk to the baby or calling  
11 to check to see how my daughter was doing.

12 BY MS. LUNDVALL:

13 Q. Did you speak with Mr. Rockey?

14 A. I don't even remember. I might have. I  
15 might have -- I don't know what F means. I might  
16 have just told him that Paris was with my sister.

17 Q. This would have been about the time that  
18 you were seated at the booth with the other  
19 individuals that evening; is that accurate?

20 A. Yeah, that's probably accurate.

21 Q. Did you take a phone call from him or  
22 not?

23 A. I don't remember. I don't know what  
24 F means. If I did, I probably just said, I'm  
25 eating dinner. She's with my sister. I don't

CERTIFICATE OF REPORTER

STATE OF NEVADA )  
 ) SS:  
COUNTY OF CLARK )

I, Kimberly A. Farkas, Certified Court Reporter, State of Nevada, do hereby certify: That I reported the taking of the deposition of CHRISSY ISRAEL MAZZEO, commencing on Monday, January 18, 2010 at 8:58 a.m.

That prior to being examined, the witness was duly sworn by me to testify to the truth. That I thereafter transcribed my said shorthand notes into typewriting, and that the typewritten transcript of said deposition is a complete, true and accurate transcription of said shorthand notes.

I further certify that I am not a relative or employee of an attorney or counsel of any of the parties, nor a relative or employee of an attorney or counsel involved in said action, nor a person financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand in my office in the County of Clark, State of Nevada, this 30th day of January, 2010.

---

Kimberly A. Farkas, CCR 741



CERTIFIED  
COPY

Las Vegas

Reno

Carson City

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
SOUTHERN DIVISION

CHRISSY ISRAEL MAZZEO,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Case No.
JAMES ARTHUR "JIM" GIBBONS;	)	
SIGMUND "SIG" ROGICH; LAS	)	2:08-CV-01387-
VEGAS METROPOLITAN POLICE	)	RLH-PAL
DEPARTMENT; BILL YOUNG; DONALD	)	
J. CAMPBELL; PENNIE	)	
MOSSETT-PUHEK; DOES 1-20,	)	
	)	
Defendants.	)	
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VIDEOTAPED DEPOSITION OF  
CHRISSY ISRAEL MAZZEO  
VOLUME II, PAGES 369 - 708  
LAS VEGAS, NEVADA  
JANUARY 19, 2010

REPORTED BY: KIMBERLY A. FARKAS, RPR, CCR #741  
LS&T JOB NO. 1-116790



CHRISSEY ISRAEL MAZZEO, VOLUME II - 1/19/2010

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1 same thing, were you not?

2 A. That is correct.

3 Q. And you didn't take those charges  
4 lightly, did you?

5 A. No, I did not.

6 MR. KOSSACK: Misstates facts in  
7 evidence. I don't think Rogich or Campbell's name  
8 appears anywhere in any of her statements to the  
9 police.

10 MR. CANNON: Okay.

11 BY MR. CANNON:

12 Q. Certainly when you accuse somebody of  
13 charges such as those, you're going to go out of  
14 your way to make sure everything you gave the  
15 police investigating those charges was true and  
16 correct. Am I right?

17 A. That's correct.

18 Q. Now, but we know on at least one occasion  
19 you didn't do that, did you, ma'am?

20 A. What about? I mean, you've got to be  
21 specific, sorry.

22 Q. You told Detective Hnatuick and Detective  
23 Barker when they asked you when you decided you  
24 weren't going to pursue this case that no one had  
25 influenced you, didn't you?

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

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1 A. No.

2 Q. Okay.

3 MR. CANNON: Go ahead, please.

4 MR. DILLARD: It's at 544. The third DVD  
5 we're continuing.

6 (Whereupon, the videotape was continued  
7 for the witness.)

8 BY MR. CANNON:

9 Q. Same question, ma'am?

10 A. No.

11 Q. Let me ask you this. In that video you  
12 indicated that the first place that you ran to was  
13 the La Quinta, correct?

14 A. That is correct.

15 Q. But yet, when you called the 911  
16 operator, you told her you were at the Starbucks  
17 and that was the first place, didn't you?

18 MR. KOSSACK: Objection.

19 Mischaracterizes the 911 call. She also said she  
20 was at the La Quinta in that first call.

21 MR. CANNON: I appreciate the objection,  
22 but we have a recording of the 911 call.

23 BY MR. CANNON:

24 Q. Do you want to see the 911 call --

25 A. I've already seen it.

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

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1 Q. Okay. So that's not related?

2 A. That's correct.

3 Q. All right. Then let's go to the next  
4 page. Now, in the top left-hand corner, where do  
5 you see injuries there?

6 A. I can't even really see anything.

7 MR. KOSSACK: Again, objection. The  
8 picture quality is so low.

9 BY MR. CANNON:

10 Q. Do you see red there, ma'am?

11 A. I see red on the shoulder area, but I  
12 can't really --

13 Q. Did your shoulder area strike the wall or  
14 the fence on top of the wall during this so-called  
15 incident?

16 A. Yes, it did. The scratches and the arm  
17 -- the redness on the arms.

18 Q. The redness on the arm in the picture to  
19 the right you claim was caused when Congressman  
20 Gibbons grabbed your arm, correct?

21 A. Yes.

22 Q. About the muscle area?

23 A. About the muscle area.

24 Q. And that's your left arm?

25 A. That's my left arm, yes.

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

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1 California.

2 Q. I'm not going to ask you to leave and go  
3 get it. What I'm asking you though, you did agree  
4 to do that so we can figure it out for ourselves?

5 A. Yes.

6 Q. And whatever those records show, of  
7 course, would be what you made in those years and  
8 what, if you use Mr. Kossack's figure, you lost?

9 MR. KOSSACK: Not necessarily. Because  
10 you have to understand --

11 MR. CANNON: Is that an objection?

12 MR. KOSSACK: Yes, it is. Misstates  
13 facts not in evidence.

14 MR. CANNON: Okay. Thanks.

15 MR. KOSSACK: Hold on. Hold on. As you  
16 know, the government imputes a certain amount of  
17 earnings to cocktail waitresses and that's all  
18 they've got to pay taxes on. If their tips are in  
19 excess of that, they don't have to pay taxes on  
20 that because they've already entered into the  
21 agreement.

22 BY MR. CANNON:

23 Q. You're not suggesting that you made money  
24 and you didn't tell the government about it?

25 A. No, I'm not saying that at all.

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

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1 guys, okay. All I'm asking you to do is to tell me  
2 how you're damaged. And one of your damages is you  
3 were confined. How long were you confined?

4 A. I mean, I don't -- I mean --

5 MR. KOSSACK: She's answered a minute.  
6 Now, you're asking a woman facing a potential rape  
7 to tell you to the second how long she was  
8 confined?

9 MR. CANNON: We'll get to the potential  
10 rape in a minute.

11 BY MR. CANNON:

12 Q. How long were you up against that wall?

13 A. I don't remember.

14 Q. So this element of damage you can't  
15 really tell us what it is, how long you were there  
16 or not there, right?

17 A. Right.

18 Q. So you would be speculating to tell us  
19 how long you were confined?

20 A. Yeah.

21 Q. And we certainly don't want you to do  
22 that.

23 Now, you suffered scratches to your  
24 shoulder and to your back. Now, we've already  
25 covered those in those pictures, right?

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

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1 Q. During the time you had whatever  
2 relationship you had with him, his wife was  
3 pregnant, was she not?

4 A. I did not know that. No, I did not.

5 Q. Well, Gerri Rumsey went to your mother,  
6 didn't she, and told her that?

7 A. That's not true. That is not true.

8 MR. KOSSACK: Lack of foundation whether  
9 she knows what he told her mother.

10 THE WITNESS: Yeah, and long time ago.  
11 BY MR. CANNON:

12 Q. All right. At any point from the time  
13 you got in Las Vegas until you moved, did you ever  
14 work in the escort or stripping business?

15 A. Never. Absolutely never.

16 Q. Did you ever have a relationship with a  
17 woman that did?

18 A. No. I don't know anybody that did. I  
19 don't hang out -- say anything about me, but I  
20 don't do that, sorry.

21 Q. Was your sister ever involved in that  
22 business?

23 A. You can ask her. Don't ask me.

24 Q. Well, do you know if she was?

25 A. I don't think she was. I know she

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

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1 controlled the videotape or the video machinery in  
2 the garage.

3 A. Yeah. Okay. That makes sense. Unless  
4 you're talking about Marriott, but I don't think  
5 they have a camera in there.

6 Q. No, but that's a good example. But  
7 nobody has told you that Marriott or anyone else  
8 had any kind of visual surveillance on that garage?

9 A. No.

10 Q. Do you know that Mr. Rogich was seen on  
11 the video in the garage that night?

12 A. Yes, I do.

13 Q. Did you see him in the garage?

14 MR. KOSSACK: I object to that night.  
15 That hasn't been established.

16 MR. HUNTERTON: October 13th, 2006.

17 MR. KOSSACK: In the videos released is  
18 what the answer would be based on.

19 THE WITNESS: Did I see the videos  
20 myself?

21 BY MR. HUNTERTON:

22 Q. No.

23 A. I'm sorry.

24 Q. Did you see Mr. Rogich on the videos of  
25 October 13th?

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

Page 708

CERTIFICATE OF REPORTER

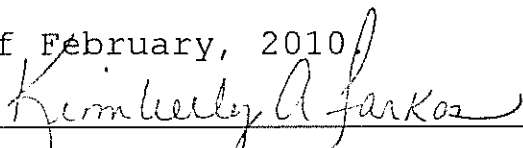
STATE OF NEVADA )  
 ) SS:  
COUNTY OF CLARK )

I, Kimberly A. Farkas, Certified Court Reporter, State of Nevada, do hereby certify: That I reported the taking of the deposition of CHRISSY ISRAEL MAZZEO, commencing on Tuesday, January 19, 2010 at 9:12 a.m.

That prior to being examined, the witness was duly sworn by me to testify to the truth. That I thereafter transcribed my said shorthand notes into typewriting, and that the typewritten transcript of said deposition is a complete, true and accurate transcription of said shorthand notes.

I further certify that I am not a relative or employee of an attorney or counsel of any of the parties, nor a relative or employee of an attorney or counsel involved in said action, nor a person financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand in my office in the County of Clark, State of Nevada, this 2nd day of February, 2010.

  
Kimberly A. Farkas, CCR 741

## **EXHIBIT 'B'**

**EXHIBIT 'B'**

CERTIFIED  
COPY

Carson City

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

Page 429

1 THE WITNESS: They all look the same. I  
2 said they all look the same.

3 MR. KOSSACK: I think you'll recognize  
4 him.

5 MR. CANNON: Counsel, that is totally  
6 inappropriate. You know it is. You cannot make a  
7 comment like that on a pictorial representation.  
8 You cannot say to her, I think you'll recognize  
9 him. That implies that Officer Ortega is in here,  
10 and I haven't suggested it is. That's  
11 inappropriate and you know it.

12 BY MR. CANNON:

13 Q. Now, will you look at that and tell me,  
14 ma'am, if you recognize any of those officers as  
15 Officer Ortega?

16 A. If it's anyone, I would think it's him,  
17 but it might not.

18 Q. On the first page --

19 MR. KOSSACK: Look at them carefully.  
20 Look at all of them carefully before you make up  
21 your mind. Look at all of them.

22 THE WITNESS: I don't remember. I just  
23 remember looking at his name. That's how I  
24 remembered him.

25 MR. KOSSACK: Put them all out in front

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

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1 of you.

2 THE WITNESS: (Inaudible)

3 MR. CANNON: I'm sorry?

4 THE REPORTER: I'm sorry?

5 THE WITNESS: I said -- I was talking to  
6 myself.

7 THE REPORTER: You can't talk to  
8 yourself, ma'am. I have to hear every word you  
9 say, please.

10 THE WITNESS: I'm sorry. If I had to say  
11 it was anybody, it would be one of those two.

12 BY MR. CANNON:

13 Q. One of which two? Would you put a 1 and  
14 a 2 on them, please.

15 A. I might be wrong. I just remember the  
16 name. I would say 1 and 2. I don't remember, to  
17 be honest.

18 MR. KOSSACK: If you don't remember, say  
19 you don't remember.

20 THE WITNESS: I don't remember. I  
21 remember seeing his name tag and looking at his  
22 shirt and saying, you're Ortega. I'm going to  
23 remember your name.

24 BY MR. CANNON:

25 Q. Let me get this right. This is the

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

Page 708

CERTIFICATE OF REPORTER

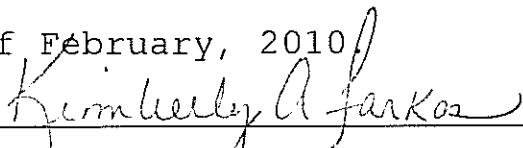
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I, Kimberly A. Farkas, Certified Court Reporter, State of Nevada, do hereby certify: That I reported the taking of the deposition of CHRISSY ISRAEL MAZZEO, commencing on Tuesday, January 19, 2010 at 9:12 a.m.

That prior to being examined, the witness was duly sworn by me to testify to the truth. That I thereafter transcribed my said shorthand notes into typewriting, and that the typewritten transcript of said deposition is a complete, true and accurate transcription of said shorthand notes.

I further certify that I am not a relative or employee of an attorney or counsel of any of the parties, nor a relative or employee of an attorney or counsel involved in said action, nor a person financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand in my office in the County of Clark, State of Nevada, this 2nd day of February, 2010.

  
\_\_\_\_\_  
Kimberly A. Farkas, CCR 741

**EXHIBIT 'C'**

**EXHIBIT 'C'**



CERTIFIED  
COPY

Las Vegas

Reno

Carson City

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
SOUTHERN DIVISION

CHRISSY ISRAEL MAZZEO,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Case No.
JAMES ARTHUR "JIM" GIBBONS;	)	
SIGMUND "SIG" ROGICH; LAS	)	2:08-CV-01387-
VEGAS METROPOLITAN POLICE	)	RLH-PAL
DEPARTMENT; BILL YOUNG; DONALD	)	
J. CAMPBELL; PENNIE	)	
MOSSETT-PUHEK; DOES 1-20,	)	
	)	
Defendants.	)	
<hr/>		

VIDEOTAPED DEPOSITION OF  
CHRISSY ISRAEL MAZZEO  
VOLUME II, PAGES 369 - 708  
LAS VEGAS, NEVADA  
JANUARY 19, 2010

REPORTED BY: KIMBERLY A. FARKAS, RPR, CCR #741  
LS&T JOB NO. 1-116790



CHRISSEY ISRAEL MAZZEO, VOLUME II - 1/19/2010

Page 472

1 your memory today?

2 A. Just the times when they picked me up and  
3 then trying to figure out when my sister got there.  
4 I was just trying to -- that was all.

5 Q. Then underneath it says, My attorney is  
6 working on it.

7 A. Because I was like confused on answering  
8 some of your questions.

9 Q. My questions?

10 A. Anybody's questions.

11 Q. Okay. So is that an answer, a pad answer  
12 you decided you would give, "my attorney is working  
13 on it?"

14 A. Yeah. And then the address that you guys  
15 were asking me for Boulder Falls, that was the  
16 address.

17 Q. When it says, Phone bills show Rick  
18 Coleman, what is that?

19 A. I notice on the phone bills that you guys  
20 showed me yesterday, like, that you guys were going  
21 over all those phone bills, there was a Rick  
22 Coleman next to it. And that was my stepdad that  
23 passed away. That was his old number.

24 MR. KOSSACK: Was his name Rick Coleman?

25 THE WITNESS: No. His name was Ed Evans.

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

Page 473

1 That was his old number. He passed away in '07.

2 BY MR. CANNON:

3 Q. Then underneath that it says Mom?

4 A. That's my mom's new cell.

5 Q. And it says, Passed away?

6 A. That was part of the stepdad that passed  
7 away.

8 Q. And then DA's office, tests?

9 A. I saw that on the phone record notes too.  
10 That was the number I was calling her and she was  
11 giving me updates on the Nick case.

12 Q. And then on the last page with a star it  
13 says, Gibbons did supporting testimony.

14 What's that?

15 A. Ask my counsel. I don't remember. We  
16 were talking about something. Gibbons did  
17 supporting testimony.

18 Q. So basically you decided that if you  
19 weren't able to answer the question, you were going  
20 to say, "ask my counsel?"

21 A. Ask my counsel, yes.

22 Q. Okay.

23 A. Does that make sense? Sorry. I'm just  
24 giving you everything that I did.

25 Q. I appreciate that. Appreciate your

CHRISSY ISRAEL MAZZEO, VOLUME II - 1/19/2010

Page 708

CERTIFICATE OF REPORTER

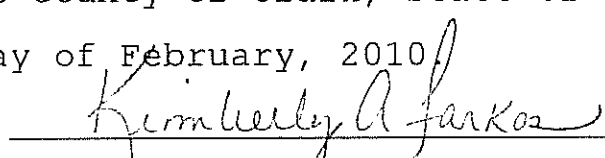
STATE OF NEVADA )  
 ) SS:  
COUNTY OF CLARK )

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Kimberly A. Farkas, CCR 741

LA 15B/GB

Mazzello

1-18-2010

Jim Denton - noticed Gibbons of police report  
phone # 355-9007

- why was Gibbons suing for tapes?
- why did Campbell & Young get tapes first?

- Bankruptcy - file?

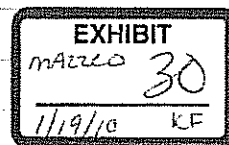
tax returns IRS federal & state

I 131 meds. cancer  
Date of last treatment

Loss complete Disk of info?

Nancy Clark ~~center~~ (therapy) Henderson

~~Chrissy notes~~



\* After Nick was arrested @  
Republic Services - he was in  
jail - I was @ the world market  
center - getting phone calls on cell -  
girls threatening me - I called  
Safe Nest - they put temporary  
emergency restraining order on Nick  
Guard in jail ordered Nick not  
to call me or anyone to call me.

Rhonda  
Kim

11/4/6 last phone call  
Cap Car.  
14/6 <sup>pumpkin</sup> 220  
240-305

\* called Sister - showed up  
 20-25 min later after last 911 -  
 She stayed in truck they  
 said she had to stay in cop  
 car - signed form, I think,  
 that's when I called my sister  
 while I was in ~~cop~~ cop car -  
 She was there in her truck -  
 then asked if I could go sit  
 w/ her - they said yes - Ortega  
 came up to us said - - then  
 I met w/ them after 30 min  
 100K above.

Emergency 11:12 C Gordon Berch  
~~and e (Gordon) #20815 LV NO 8910~~  
 8

~~5880 Brooklyn Falls~~  
~~#20815 LV NO 8910~~  
~~\* Just address - 67 tempor. order~~

\* my attorney is working on it.

\* phone bills show Rick Coleman  
 702 2784553 - step dad  
 mom 702 278467

\* DA's office Tess - (702 4712800)  
 Calling in regards to Rick case  
 I think?

\* Gibbons did  
supporting testimony  
- ask my counsel -  
~~was~~ entered

\* personally know  
Ortega told me - tapes were  
there

**EXHIBIT 'D'**

**EXHIBIT 'D'**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
SOUTHERN DIVISION

\* \* \* \* \*

CHRISSY ISRAEL MAZZEO,	)	
	)	
Plaintiff,	)	Case No.
	)	2:08-CV-01387
vs.	)	-R.H.-PAL
	)	
JAMES ARTHUR "JIM" GIBBONS;	)	
SIGMUND "SIG" ROGICH; LAS	)	
VEGAS METROPOLITAN POLICE	)	
DEPARTMENT; BILL YOUNG;	)	
DONALD J. CAMPBELL; PENNIE	)	
MOSSETT-PUHEK; and DOES	)	
1-20,	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF MICHAEL HNATUICK  
VOLUME I

Taken on Thursday, May 6, 2010  
At 10:05 A.M.

At Kossack Law Offices  
4535 West Sahara Avenue  
Suite 101  
Las Vegas, Nevada

Reported by: CAMEO KAYSER, RPR, CCR No. 569

1 MR. KOSSACK: All right. Look, we got  
2 into a little tiff last time and the time before.  
3 Now, Walt, if you continue to make coaching  
4 objections, speaking objections, illegal objections,  
5 I will put an end to the deposition and file a  
6 motion with the magistrate and ask for sanctions.

7 MR. CANNON: That's your right. Go  
8 ahead. Rather than editorialize, just call the  
9 magistrate and set an appointment.

10 MS. LUNDVALL: And I will also object to  
11 the form, and I will also ask for a simple issue of  
12 politeness. Rather than chomping on ice and kind of  
13 mumbling these questions out, I would hope that you  
14 might be polite to this witness and pose your  
15 question without mumbling and having half of it come  
16 over the top of the chomp on the ice cubes, please.

17 MR. CANNON: Again, if you understand the  
18 question, go ahead and answer it.

19 THE WITNESS: Okay. His notoriety as a  
20 public figure had no basis on whether or not the  
21 case would be assigned to us. We would take all of  
22 those cases, whether they are average citizens or  
23 public figures accused of these crimes.

24 BY MR. KOSSACK:

25 Q. Okay. Was there any other division that

## REPORTER'S DECLARATION

STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF CLARK       )

I, CAMEO L. KAYSER, CCR No. 569,  
declare as follows:

That I reported the taking of the  
deposition of the witness, MICHAEL HNATUICK,  
VOLUME I commencing on Thursday, May 6, 2010, at  
10:05 a.m.

That prior to being examined, the  
witness was by me duly sworn to testify to the  
truth, the whole truth, and nothing but the truth;  
that, before the proceedings' completion, the  
reading and signing of the deposition has been  
requested by the deponent or a party.

That I thereafter transcribed my said  
shorthand notes into typewriting and that the  
typewritten transcript of said deposition is a  
complete, true, and accurate transcription of said  
shorthand notes taken down at said time.

I further declare that I am not a  
relative or employee of any party involved in said  
action, nor a person financially interested in the  
action.

Dated at Las Vegas, Nevada this 12th  
day of May, 2010.

---

CAMEO L. KAYSER, RPR, CCR No. 569

**EXHIBIT ‘E’**

**EXHIBIT ‘E’**

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3 SOUTHERN DIVISION

COPY

4 \* \* \* \* \*

5 CHRISSY ISRAEL MAZZEO, )

6 Plaintiff, )

7 vs. )

8 JAMES ARTHUR "JIM" GIBBONS; )

9 SIGMUND "SIG" ROGICH; LAS )

10 VEGAS METROPOLITAN POLICE )

11 DEPARTMENT; BILL YOUNG; )

12 DONALD J. CAMPBELL; PENNIE )

13 MOSSETT-PUHEK; and DOES )

14 1-20, )

15 Defendants. )

Case No.  
2:08-CV-01387  
-R.H.-PAL

16 DEPOSITION OF GREG McCURDY

17  
18 Taken on Tuesday, May 4, 2010  
19 At 10:15 A.M.

20 At Kossack Law Offices  
21 4535 West Sahara Avenue  
22 Suite 121  
23 Las Vegas, Nevada  
24

25 Reported by: CAMEO KAYSER, RPR, CCR No. 569

1 Q. Have you ever seen the document that has  
2 been marked as Exhibit 2?

3 A. I do remember seeing this document, yes.

4 Q. Had you seen that document before you  
5 signed off on the request for investigative reports?

6 A. I think I saw this document on the 14th  
7 sometime during the day.

8 Q. And then Exhibit 3, you don't know  
9 whether you have ever seen this document before?

10 A. I can't recall seeing this document.

11 Q. I have handed you what I have marked as  
12 Exhibit 4. This is a transcription of the statement  
13 Chrissy Mazzeo gave on --

14 MR. CANNON: It is on the 14th.

15 BY MR. KOSSACK:

16 Q. This is the written one.

17 A. It looks like there's two different  
18 documents, so I think you need to look at how you've  
19 given me that.

20 Q. Yeah, let us strike Exhibit 4.

21 MR. CANNON: Just so I'm clear, it's the  
22 first three pages of the October 14th statement of  
23 Chrissy Mazzeo and then followed by the 911 call?

24 MR. KOSSACK: No. I'm not going to use  
25 that document, I just got through saying.

1 Q. If we turn to page 831, it states there  
2 where she's telling the detectives, quote, He said  
3 to go with him because he said was staying at  
4 Embassy Suites? He said he was --

5 A. 831 looks like a dispatch call. It looks  
6 like this is dispatch of Mazzeo. It does not look  
7 like conversation between the detectives.

8 MR. CANNON: It is the same thing you did  
9 earlier, Bob. You mixed up two statements.

10 BY MR. KOSSACK:

11 Q. These are actually Bates stamped one  
12 after another.

13 MR. CANNON: And those are your  
14 Bates stamps, aren't they?

15 MR. KOSSACK: Oh, I'm sorry. I'm reading  
16 from the wrong one.

17 BY MR. KOSSACK:

18 Q. Yes. We are talking about the 911 call.

19 A. You said detective, so that's what  
20 through me off.

21 Q. The 911 call she says, quote, He said to  
22 go with him because he was staying at  
23 Embassy Suites. He said he was staying at  
24 Embassy Suites, and followed him, and then we were  
25 on the second floor, and there were people following

1 exhibits back over to her.

2 THE WITNESS: Page 4? Is that 0152?

3 BY MR. KOSSACK:

4 Q. 0154, page 6.

5 MR. CANNON: They are not in order again.

6 Okay, which one?

7 MR. KOSSACK: On page 6.

8 THE WITNESS: 6.

9 BY MR. KOSSACK:

10 Q. And that's at the top here where it says  
11 page 6.

12 She states there, quote, "He just, just  
13 started talking about how his, his marriage wasn't  
14 successful and how he had two children. He was  
15 married for 20 years and that, uh, marriage wasn't  
16 everything that it was cracked up to be and then  
17 that's when he gave me his card."

18 And then that's when he started. He  
19 started playing like footsies with me. With me, and  
20 then Pennie noticed it, and some of the waitresses  
21 noticed it. And so I started hugging Pennie and I  
22 started telling everybody at the table that Pennie  
23 was my best friend. I was -- what I was trying to  
24 do was actually move away from him. He put his hand  
25 on my leg, and then I just scooted closer to Pennie.

## REPORTER'S DECLARATION

STATE OF NEVADA       )  
                              ) ss.  
COUNTY OF CLARK       )

I, CAMEO L. KAYSER, CCR No. 569,  
declare as follows:

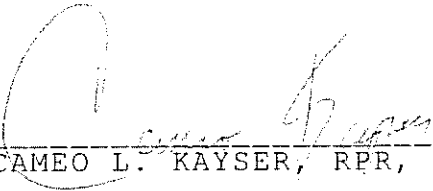
That I reported the taking of the  
deposition of the witness, GREG McCURDY, commencing  
on Tuesday, May 4, 2010, at 10:15 a.m.

That prior to being examined, the  
witness was by me duly sworn to testify to the  
truth, the whole truth, and nothing but the truth;  
that, before the proceedings' completion, the  
reading and signing of the deposition has been  
requested by the deponent or a party.

That I thereafter transcribed my said  
shorthand notes into typewriting and that the  
typewritten transcript of said deposition is a  
complete, true, and accurate transcription of said  
shorthand notes taken down at said time.

I further declare that I am not a  
relative or employee of any party involved in said  
action, nor a person financially interested in the  
action.

Dated at Las Vegas, Nevada this 10th  
day of May, 2010.

  
\_\_\_\_\_  
CAMEO L. KAYSER, RPR, CCR No. 569

**EXHIBIT 'F'**

**EXHIBIT 'F'**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
SOUTHERN DIVISION

\* \* \* \* \*

CHRISSY ISRAEL MAZZEO,	)	
	)	
Plaintiff,	)	Case No.
	)	2:08-CV-01387
vs.	)	-R.H.-PAL
	)	
JAMES ARTHUR "JIM" GIBBONS;	)	
SIGMUND "SIG" ROGICH; LAS	)	
VEGAS METROPOLITAN POLICE	)	
DEPARTMENT; BILL YOUNG;	)	
DONALD J. CAMPBELL; PENNIE	)	
MOSSETT-PUHEK; and DOES	)	
1-20,	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF MICHAEL HNATUICK  
VOLUME I

Taken on Thursday, May 6, 2010  
At 10:05 A.M.

At Kossack Law Offices  
4535 West Sahara Avenue  
Suite 101  
Las Vegas, Nevada

Reported by: CAMEO KAYSER, RPR, CCR No. 569

1 asking the questions. He was there, but we're not  
2 sure -- your question is, did he ask those  
3 questions?

4 BY MR. KOSSACK:

5 Q. It says, Persons present are myself,  
6 Detective Hnatuick, Barker, Jim Gibbons, also  
7 present is Sergeant McCarthy and James Denton.

8 A. Yes. I believe I was the one asking  
9 those questions, yes.

10 MR. CANNON: Okay.

11 BY MR. KOSSACK:

12 Q. Now, if we turn to page 20 -- and that  
13 would be page 20 of Exhibit 10, do you recall  
14 Detective Barker asking Jim Gibbons and Jim Gibbons  
15 giving the following answer?

16 "Okay. Were you, at the time that you  
17 picked her up, were you close to any, um, a wall or  
18 any part of the structure of the garage?

19 "Answer: I think there was a, like  
20 the -- uh, a wall or a bench that was right there.  
21 You know. I just kind of stood her up."

22 Was that the question asked and the  
23 answer Jim Gibbons gave to the police on  
24 October 14th, 2006?

25 A. Yes. And that question was asked by

1 Detective Barker.

2 Q. And was the description of the location  
3 where Chrissy stumbled or fell as given by Gibbons  
4 on October 14th, 2006 consistent with the location  
5 that he marked as 3 in the diagram that has been  
6 marked as Plaintiff's Exhibit 8 to your deposition?

7 A. I believe it is the same general area,  
8 yes.

9 Q. And then looking at the November 10th  
10 statement, Exhibit 9.

11 MR. CANNON: Page 3, I think that's where  
12 we are going.

13 THE WITNESS: Okay.

14 BY MR. KOSSACK:

15 Q. It says -- just first of all, looking at  
16 page 2 it says, Persons conducting the interview are  
17 myself, Detective Hnatuick, and then you mention  
18 Detective Barker, also present are Jim Gibbons and  
19 his attorney, Don Campbell.

20 If there's simply a question without  
21 initials, was that you asking the question?

22 A. Yes. Because that would be the way it  
23 would be for the person initializing the tape and  
24 beginning the interview. If there was a change in  
25 people asking the questions, it would be noted by

1 their initials.

2 Q. So, in other words, on page 2 where we  
3 see DC, then that would be Don Campbell?

4 A. Yes.

5 Q. And if we look at page 3 of the  
6 Exhibit 9, one of the first questions that you asked  
7 Mr. Gibbons at the time was whether or not he had  
8 had any corrections to make to his prior statement.  
9 Do you recall that? Page 3, the second question.

10 A. Okay. Yes.

11 Q. So did Jim Gibbons say that he had had an  
12 opportunity to review the statement, which is  
13 Plaintiff's Exhibit 10, the statement taken on  
14 10/14/06?

15 A. Yes.

16 Q. And then you asked him whether he had any  
17 changes to that statement and he said no; correct?

18 A. That is correct, he said none.

19 Q. And then it was at that time that -- to  
20 get a little more specific, you brought in a  
21 diagram, which is Plaintiff's Exhibit 8, and asked  
22 him to actually draw on the diagram where certain  
23 incidents took place. Would that be correct?

24 A. Yes, that is correct.

25 Q. And if we look at page 5, did you ask

1 Gibbons, and did he respond at that time, starting  
2 with the second question on that page, "Could you,  
3 uh, tell us when it was about here that you run into  
4 her? About what time do you believe that is?"

5 " Answer: At about this point right  
6 here?

7 "Question: And -- and just show me.  
8 Yes.

9 "Answer: I'm going to put a 1. I would  
10 say at point 1 we are close to 10:00 o'clock.  
11 Sometime between 10:00 -- 9:30 and 10:00 o'clock.

12 "Question: Okay. And did you come out  
13 to meet -- and did you come out to meet her or did  
14 she come out to meet you?

15 "Answer: I was already outside."

16 And then it goes on. So again, based on  
17 that portion of his statement is what he was  
18 referring to by point 1 as to where he met her when  
19 she came outside?

20 A. I believe so.

21 MS. LUNDVALL: I will have to object to  
22 that question. It is very vague and ambiguous and  
23 rambling and convoluted.

24 BY MR. KOSSACK:

25 Q. And if you look at page 5 and 6 down at

1 the bottom, did Jim Gibbons tell you on  
2 October 10th, 2006, quote, And we walked down here  
3 to say point 2. At point 2, there was a discussion  
4 about her car.

5 And on point 2 on Plaintiff's Exhibit 8,  
6 is that the point 2 that he's referring to where he  
7 and Chrissy walked down to?

8 A. I believe it is, yes.

9 Q. And then point 3, he also mentions in  
10 that same answer, looking about halfway through that  
11 first paragraph, and this would be the answer given,  
12 "So I started walking back and for some reason we  
13 crossed here. She started to go this way, and I  
14 went across the street. But then she turned and  
15 came. She followed me across the street, uh, and,  
16 you know, we were walking together at this point,  
17 uh, across here to point 3 which I, I believe would  
18 be very close to 10:00 o'clock. And, uh, that's  
19 where she stumbled. That's where I caught her."

20 Is that how Jim Gibbons -- is that the  
21 statement he gave on November 10, 2006?

22 A. Yes.

23 Q. And the point 3 on the diagram of  
24 Plaintiff's 8, that's where he marked that she  
25 stumbled?

1           A.     Yes.

2           Q.     And then with respect to point 4, if we  
3     turn to page 11, the question is, "Okay. And can  
4     you show us here from point 3, how did you enter the  
5     hotel?

6                     "Answer: Well, I went down -- there is a  
7     gate right here, 4. So I went this way. And I  
8     never entered the garage."

9                     Is that what Jim Gibbons told you at the  
10    time of the November 10th interview?

11          A.     Yes.

12          Q.     And point 4 shown on Exhibit 8, is that  
13    where Jim Gibbons indicated that the gate was?

14          A.     Yes.

15          Q.     And when you asked, How did you enter the  
16    hotel and he pointed out the gate at point 4, was it  
17    your understanding at the time that that is how he  
18    entered the hotel?

19                     MS. LUNDVALL: Objection. That is not  
20    what his statement was then, quite obviously, from  
21    this transcription.

22                     MR. CANNON: I will join the objection.

23                     But you can answer it.

24                     THE WITNESS: And could you repeat the  
25    question again?

## REPORTER'S DECLARATION

STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF CLARK       )

I, CAMEO L. KAYSER, CCR No. 569,  
declare as follows:

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deposition of the witness, MICHAEL HNATUICK,  
VOLUME I commencing on Thursday, May 6, 2010, at  
10:05 a.m.

That prior to being examined, the  
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I further declare that I am not a  
relative or employee of any party involved in said  
action, nor a person financially interested in the  
action.

Dated at Las Vegas, Nevada this 12th  
day of May, 2010.

---

CAMEO L. KAYSER, RPR, CCR No. 569

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
SOUTHERN DIVISION

\* \* \* \* \*

CHRISSY ISRAEL MAZZEO,	)	
	)	
Plaintiff,	)	Case No.
	)	2:08-CV-01387
vs.	)	-R.H.-PAL
	)	
JAMES ARTHUR "JIM" GIBBONS;	)	
SIGMUND "SIG" ROGICH; LAS	)	
VEGAS METROPOLITAN POLICE	)	
DEPARTMENT; BILL YOUNG;	)	
DONALD J. CAMPBELL; PENNIE	)	
MOSSETT-PUHEK; and DOES	)	
1-20,	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF MICHAEL HNATUICK  
VOLUME II

Taken on Tuesday, May 11, 2010  
At 10:05 A.M.

At Kossack Law Offices  
4535 West Sahara Avenue  
Suite 101  
Las Vegas, Nevada

Reported by: CAMEO KAYSER, RPR, CCR No. 569

1 Q. Did she describe another woman who had  
2 come into the lobby -- that came into the lobby out  
3 of breath? And looking at page 8.

4 A. Okay.

5 Q. It says, the question:

6 "Now, you first noticed these two people  
7 when? What time?

8 "Answer: I would say around 10:30.

9 "Question: Okay. Now, the woman who  
10 comes in who appears to be out of breath?

11 "Answer: Uh-huh.

12 "Is that the same women or a different  
13 woman?"

14 She says, "No, that is a totally  
15 different woman."

16 Do you see that?

17 A. Yes.

18 Q. Do you recall her testifying to that?

19 A. Yes.

20 Q. And do you recall her describing that  
21 woman as dressed nicely, a blouse with a skirt?

22 A. Yes.

23 Q. With shoulder-length, wavy hair?

24 A. Yes.

25 Q. And perhaps a dark blonde over on the

1 next page, on page 9?

2 A. Okay.

3 Q. Would what be yes, you recall her saying  
4 that?

5 A. Yes.

6 Q. And that this woman stood five-eight to  
7 five-nine or a foot taller than Kimberly?

8 A. Yes.

9 Q. Can that woman be seen on the LaQuinta  
10 video?

11 A. I don't recall seeing her on the video.

12 Q. But Kimberly described that woman as  
13 coming up to the front desk, didn't she?

14 A. I don't see where it says she came to the  
15 front desk.

16 Q. Let me see if we can find where she first  
17 mentions her.

18 Going back to page 4, she is answering,  
19 "So he was holding her and she was already out by  
20 the time I looked out there, and she was swinging  
21 her hands and -- in his face and she was wearing,  
22 like, I don't know what color it was. I think it  
23 was a darker color, a dress suit, and he had on a  
24 dark -- dark pants dress suit and a suit tie."

25 A. Do I see that, yes.

1 Q. Did Chrissy ever describe to you that she  
2 had shook her finger in Gibbons' face outside the  
3 LaQuinta Inn?

4 A. I don't recall that off the top of my  
5 head.

6 Q. Well, here it is, page 5. Up at the top,  
7 She is looking outside. She says, "I'm looking at  
8 the whole lobby. He was to my left and I go, 'Wow.  
9 Tonight is living up to Friday, the 13th.' He is  
10 like, yeah." Her talking to her -- other desk  
11 clerk. "And the flight attendant had come up and  
12 asked me to change her room, so by the time I looked  
13 out, they were gone."

14 A. Okay.

15 Q. Do you recall her saying that?

16 A. I do.

17 Q. So her observation of the two outside was  
18 interrupted by the flight attendant coming up?

19 A. I believe so.

20 Q. And then looking at the bottom of page 5,  
21 she says at the bottom, "A lady did come in and ask  
22 if they could use the phone or asked if we had a pay  
23 phone. I said no, but that happens like every  
24 night, you know."

25 And then she goes on, "And she didn't

1 look familiar to me." And talks about a local call.

2 "And she looked like she was out of  
3 breath, so I asked her if she was okay and she said,  
4 'Yeah. I just want to get home and get this over  
5 with.'"

6 Do you recall her describing that woman  
7 as entering?

8 A. Yes.

9 Q. And then on page 8, you return to  
10 questioning her about the woman that came in out of  
11 breath? Do you recall that?

12 A. Okay.

13 Q. So previously she describes that woman as  
14 coming up to the front desk and asking if she could  
15 use the phone; correct?

16 MR. CANNON: I will object to that. That  
17 mischaracterizes what that statement says.

18 Go ahead.

19 THE WITNESS: She comes in and asks to  
20 use the phone. I don't think it ever says to the  
21 front desk.

22 BY MR. KOSSACK:

23 Q. Well, if you look at page 9, the fifth  
24 question, did you ask Kimberly and did she answer:

25 "So when this woman comes up to ask you

## REPORTER'S DECLARATION

STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF CLARK       )

I, CAMEO L. KAYSER, CCR No. 569,  
declare as follows:

That I reported the taking of the  
deposition of the witness, MICHAEL HNATUICK,  
VOLUME II, commencing on Tuesday, May 11, 2010, at  
10:05 a.m.

That prior to being examined, the  
witness was by me duly sworn to testify to the  
truth, the whole truth, and nothing but the truth;  
that, before the proceedings' completion, the  
reading and signing of the deposition has been  
requested by the deponent or a party.

That I thereafter transcribed my said  
shorthand notes into typewriting and that the  
typewritten transcript of said deposition is a  
complete, true, and accurate transcription of said  
shorthand notes taken down at said time.

I further declare that I am not a  
relative or employee of any party involved in said  
action, nor a person financially interested in the  
action.

Dated at Las Vegas, Nevada this 20th  
day of May, 2010.

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CAMEO L. KAYSER, RPR, CCR No. 569

**EXHIBIT ‘G’**

**EXHIBIT ‘G’**

**AFFIDAVIT OF WALTER R. CANNON**

STATE OF NEVADA     )  
                                      ) ss:  
COUNTY OF CLARK    )

WALTER R. CANNON, being first duly sworn, deposes and says:

1. That Affiant is an attorney-at-law, duly licensed to practice before all of the Courts in the State of Nevada.

2. That Affiant is a member of the Law Firm of Olson, Cannon, Gormley & Desruisseaux, the attorneys retained to represent the interests of Defendants Bill Young and the Las Vegas Metropolitan Police Department in conjunction with the litigation styled "*Mazzeo v. Bill Young, et al*".

3. That Affiant was in attendance at the deposition of Bill Young taken by Plaintiff's counsel on May 14, 2010.

4. That during the course of Mr. Young's deposition, a videotape of a news conference conducted by Bill Young was used as an exhibit by Plaintiff's counsel; prior to the playing of the videotape, Mr. Young admitted that he had held a news conference and that the videotape was an accurate representation of the statements he made during that conference; that notwithstanding Mr. Young's representations, Plaintiff's attorney then proceeded to query Mr. Young on most, if not all, of the statements Mr. Young made at the news conference; in each instance, the only questions asked of Mr. Young was whether the tape was an accurate representation of the statements made by Mr. Young; on numerous occasions, Mr. Young indicated to Plaintiff's attorney that there was no need for him to go paragraph by paragraph through the videotape because he (Mr. Young) had already stated that the videotape was an accurate representation of the statements that had been made during the conference.

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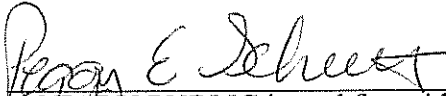
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1 5. Further Affiant sayeth naught.

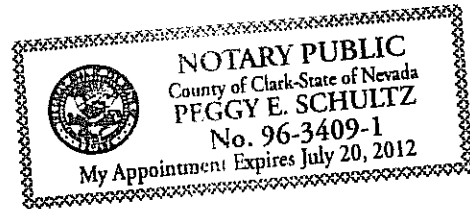
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3 WALTER R. CANNON

4  
5  
6 SUBSCRIBED AND SWORN TO before me  
this 27<sup>th</sup> day of May, 2010.

7 

8 NOTARY PUBLIC in and for said  
9 County and State



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